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## ALSTON & BIRD LLP

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### TELECOPY

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DATE: May 7, 2004

TO: USPTO, ATTN: EXAMINER DAVID H. KRUSE

FROM: David M. Saravitz

Re: U.S. Patent Application for *Genes and Vectors for Conferring  
Herbicide Resistance in Plants*  
Appl. No. 09/997,900; Filed November 30, 2001

NO. OF PAGES:  
(Including cover page)

15

OPERATOR:

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FAX NUMBER: (703) 872-9306

CLIENT/MATTER: 043753/241148

REQUESTED BY: Marilyn Munoz

VOICE NUMBER: (571) 272-0799

RTA01/2|328R5v1

Attorney's Docket No. 043753/241148 (5849-20A)

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Kakefuda *et al.* Confirmation No.: 5699  
 Appl. No.: 09/997,900 Group Art Unit: 1638  
 Filed: November 30, 2001 Examiner: David H. Kruse  
 For: GENES AND VECTORS FOR CONFERRING HERBICIDE RESISTANCE IN PLANTS

May 7, 2004

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Transmitted herewith is an AMENDMENT in the above-identified patent application.

- ☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.  
☐ No additional fee is required.

The fee has been calculated as shown below:

(COL. 1)		(COL. 2)	(COL. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR RATE	ADDIT. FEE
TOTAL	* 22	** 21	= 1	X 9=	\$	X 18=	\$ 18
INDEP	* 6	*** 6	= 0	X 43=	\$	X 86=	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+145=	\$	+290=	\$
				TOTAL ADD FEE \$		OR TOTAL	\$ 18

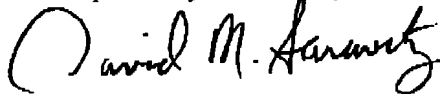
- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

RTA01/3|52301v|

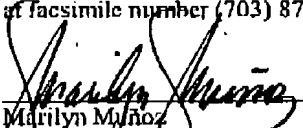
In re: Kakefuda *et al.*  
Appl. No.: 09/997,900  
Filed: November 30, 2001  
Atty. Dock. No. 043753/241148 (5849-20A)  
Page 2

- ☒ Please charge my Deposit Account No. 16-0605 in the amount of \$18.00.
- ☐ A check in the amount \$18 to cover the additional fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiency in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0605.
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,



David M. Saravitz  
Registration No. 55,593  
Attorney/Agent of Record

<b>Customer No. 00826</b> <b>ALSTON &amp; BIRD LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	<b>CERTIFICATION OF FACSIMILE TRANSMISSION</b>  I hereby certify that this paper is being facsimile transmitted to Examiner David H. Kruse at the US Patent and Trademark Office at facsimile number (703) 872-9306 on the date shown below.   Marilyn Muñoz  May 7, 2004 Date
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/997,900 Confirmation No.: 5699  
Applicant(s): Kakefuda *et al.*  
Filed: November 30, 2001  
Art Unit: 1638  
Examiner: David H. Kruse  
Title: GENES AND VECTORS FOR CONFERRING HERBICIDE RESISTANCE  
IN PLANTS

Docket No.: 043753/241148 (5849-20A)  
Customer No.: 00826

May 7, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT  
37 C.F.R. § 1.121

Sir:

In response to the Office Action dated February 13, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

RTA01/2150466v1